

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
:
v. : 15-CR-517 (WFK)
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ALI SALEH, : September 17, 2015
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:
Defendant. : Brooklyn, New York
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: BREON PEACE, ESQ.
U.S. ATTORNEY
BY: SARITHA KOMATIREDDY, ESQ.
ASSISTANT U.S. ATTORNEY
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant: SUSAN KELLMAN, ESQ.
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Brooklyn, New York 11217

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Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: Criminal cause for arraignment,
2 15-MJ-881, United States v. Ali Saleh.

3 Counsel, state your appearances.

4 MS. KOMATIREDDY: Good afternoon, your
5 Honor. Saritha Komatireddy for the United States.

6 THE COURT: Good afternoon.

7 MS. KELLMAN: Good afternoon, your Honor.
8 Susan Kellman for Ali Saleh.

9 THE COURT: Good afternoon.

10 Mr. Saleh, the purpose of this proceeding is
11 to make sure you understand what crime you're charged
12 with, to make sure you understand that you have a right
13 to be represented by an attorney, and to address the
14 question of whether you should be released on bail or
15 held in jail. You're not required to make a statement
16 about the offense. Even if you've already done so, you
17 don't have to make any further statement. If you start
18 to make a statement, you can stop at any time. Any
19 statement that you do make, other than one that you
20 make privately to your attorney, can be used against
21 you.

22 Do you understand that? Do you understand
23 what I've said so far? You're choosing not to respond?

24 MS. KELLMAN: Your Honor, I will put on the
25 record that I have informed Mr. Saleh of his rights and

1 he did indicate to me that he understood that he had a
2 right to remain silent.

3 THE COURT: All right. I'm going to go
4 through his rights. I'll ask if he understands and if
5 he doesn't respond, the record will just so indicate.

6 Have you seen the complaint that's been
7 filed against you?

8 THE DEFENDANT: (No response.)

9 THE COURT: The complaint -- and I will note
10 for the record that the defendant is not responding.

11 The complaint alleges that between
12 approximately September of 2014 and August of 2015, you
13 knowingly and wilfully attempted to provide material
14 support and resources including personnel, that is
15 yourself, to a foreign terrorist organization,
16 specifically Islamic State of Iraq and the Levant.

17 Do you understand that that's the charge
18 against you?

19 THE DEFENDANT: (No response.)

20 THE COURT: The defendant is not responding.

21 MS. KELLMAN: Your Honor, again, for the
22 record, I did read the entire complaint to Mr. Saleh
23 verbatim and he did not comment. I did read it all to
24 him and he said he understand the charges. Your Honor,
25 with the Court's permission, what I'd like to do is

1 provide my client with a copy of the complaint and also
2 a copy of my business card so he knows how to reach me.

3 THE COURT: Certainly.

4 Let me just note for the record, Mr. Saleh,
5 that the Court has appointed Ms. Kellman to represent
6 you as your attorney in today's proceeding and in all
7 proceedings relating to this charge. Even though you
8 do not have to pay for her representation, she is your
9 attorney. She is not an agent of the government, nor
10 is she an agent of the Court. She is your attorney.

11 Do you understand that?

12 THE DEFENDANT: (No response.)

13 THE COURT: The defendant is not responding.

14 Ms. Kellman, you've already indicated you
15 reviewed the complaint with your client, correct?

16 MS. KELLMAN: Yes, your Honor.

17 THE COURT: And you've advised him of his
18 rights?

19 MS. KELLMAN: I have, your Honor.

20 THE COURT: Does the defense have a bail
21 application to make at this time?

22 MS. KELLMAN: We do not.

23 THE COURT: I would note for the record that
24 I'm informed that he has refused to speak with Pretrial
25 Services.

1 MS. KELLMAN: That's correct, Judge.

2 THE COURT: What is the defendant's position
3 with respect to a preliminary hearing?

4 MS. KELLMAN: We'll waive preliminary
5 hearing, Judge.

6 THE COURT: All right. Is there anything
7 further?

8 MS. KELLMAN: Nothing from the defendant,
9 Judge.

10 THE COURT: All right. No medical memos
11 that need to go --

12 MS. KELLMAN: No, your Honor.

13 THE COURT: All right. Thank you very much.

14 MS. KELLMAN: Thank you, Judge.

15 THE COURT: If I neglected to say it, I'll
16 enter a permanent order of detention without prejudice
17 to any future bail application.

18 MS. KELLMAN: Thank you, Judge.

19 (Tape off, tape on.)

20 MS. KOMATIREDDY: The Federal Rules require
21 only that the Court inform the defendant of his rights
22 and not that he respond, so this is sufficient under
23 the Rules for the arraignment on the complaint.

24 THE COURT: All right, very good, thank you.

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18 I certify that the foregoing is a correct
19 transcript from the electronic sound recording of the
20 proceedings in the above-entitled matter.
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25 ELIZABETH BARRON

July 11, 2022